CRIMINAL LETTERS

AGAINST

JOHN LAWSON.

GEORGE, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, To

macers of Our Court of Juſticiary, meſſengers at arms, Our ſheriffs in that part, conjunctly and ſeverally, ſpecially conſtituted, greeting: FORASMUCHAS it is humbly meant and complained unto Us, by Our lovit Alexander Penroſe-Cumming of Altyre, Eſquire, having intereſt in manner after mentioned, with concourſe of Our right truſty Ilay Campbell, Eſquire, Our Advocate, for Our intereſt, upon *John Lawſon*, deſigning himſelf of Weſtertown, now reſiding at Oldmills near Elgin, in the county of Elgin and Forres, THAT by the law of God, and by the laws of this and every other well governed realm, perjury is a crime of an heinous nature, and ſeverely puniſhable: AND MORE PARTICULARLY, by the act of Parliament of the ſeventh of George II. intituled, "An act for the better regulating the election of members to ſerve in the Houſe of Commons, for that "part of Great Britain called Scotland, and for incapacitating "the Judges of the Court of Seſſion, Court of Juſticiary, and "Barons of the Court of Exchequer, in Scotland, to be elected, "or to ſit or vote as members of the Houſe of Commons," it is enacted, "That every freeholder, who ſhall claim to "vote at any election of a member to ſerve in Parliament, "for any lands or eſtate, in any county or ſtewartry in Scot-"land, or who ſhall have right to vote in adjuſting the rolls "of freeholders, inſtead of the oath appointed to be taken by "an act made in the 12th year of her late Majeſty Queen Anne, "intituled, "An act for the better regulating elections of mem-

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" bers to ſerve in Parliament, for that part of Great Britain called " Scotland," ſhall, upon the requeſt of any freeholder formerly " inrolled, before he proceed to vote in the choice of a member, &c. take and ſubſcribe the oath following: viz. " I A. B. do, in the " preſence of GOD, declare and ſwear, that the lands and eſtate " of for which I claim a right to vote in the elec- " tion of a member to ſerve in Parliament for this county or " ſtewartry, is actually in my poſſeſſion, and do really and truly " belong to me, and is my own proper eſtate, and is not con- " veyed to me in truſt, or for, or in behalf of, any other per- " ſon whatſoever; and that neither I, nor any perſon to my " knowledge, in my name, or on my account, or by my allow- " ance, hath given, or intends to give, any promiſe, obligation, " bond, back-bond, or other ſecurity whatſoever, other than ap- " pears from the tenor and contents of the title upon which I " now claim a right to vote, directly or indirectly, for rediſpon- " ing and reconveying the ſaid lands and eſtate in any manner " of way whatſoever, or for making the rents or profits there- " of forthcoming to the uſe or benefit of the perſon from whom " I have acquired the ſaid eſtate, or any other perſon whatſo- " ever; and that my title to the ſaid lands and eſtate is not no- " minal or fictitious, created, or reſerved in me, in order to enable " me to vote for a member to ſerve in Parliament, but that the " ſame is a true and real eſtate in me, for my own uſe and be- " nefit, and for the uſe of no other perſon whatſoever; And that " is the truth, as I ſhall anſwer to GOD." And that in caſe he " ſhall refuſe, if required, to take and ſubſcribe the oath aforeſaid, " his vote ſhall not be admitted or allowed, and his name ſhall " forthwith be eraſed out of the roll of freeholders; and in caſe " any perſon ſhall preſume wilfully and falſely to ſwear and ſub- " ſcribe the ſaid oath, and ſhall be thereof lawfully convicted, he " ſhall incur the pains and puniſhment of perjury, and be pro- " ſecuted for the ſame, according to the laws and forms in uſe in " Scotland." YET, TRUE IT IS, that the ſaid John Lawſon has preſumed to commit the ſaid crime of perjury, IN SO FAR AS, the ſaid Alexander Penroſe-Cumming, a freeholder ſtanding upon the roll of freeholders for the county of Elgin and Forres, upon the 15th day of April, in the year 1784, and now ſtanding as a freeholder on ſaid roll, offered himſelf a candidate to repreſent the ſaid county in Parliament, at the election which took

took place for the ſaid county on the ſaid 15th day of April; at which election, the ſaid John Lawſon, who had obtained himſelf inrolled in the roll of freeholders of the ſaid county of Elgin and Forres, upon pretended rights to all and whole the four eighth parts of the town and lands of Coltfield, with houſes, parts, pendicles, multures, privileges, and pertinents of the ſame, uſed and wont, lying within the barony and lordſhip of Kinloſs, pariſh of Alves, and ſhire of Elgin and Forres; and likewiſe, all and whole that one half of that one eighth part of the town and lands of Caultfield, *alias* Coltfield, lying contiguous to the half of the eighth part of the ſaid lands, ſome time pertaining heritably to Alexander Watſon, ſenior, in Caultfield; together with the half part of the ſame lands, called Outings, or Outriggs, and Headriggs, with their whole houſes and pertinents, all lying within the ſaid pariſh of Alves, and ſhire of Elgin and Forres, did, on the ſaid 15th day of April, within the Court-houſe of the burgh of Elgin, in the county of Elgin and Forres, claim right to vote at the ſaid election of a member to ſerve in Parliament for the ſaid county, in virtue of the lands above-mentioned, for which he ſtood inrolled. AND James Brodie of Brodie, Eſquire, a freeholder ſtanding on the ſaid roll, having, in terms of the foreſaid act of the 7th of the late King, required the ſaid John Lawſon to take and ſubſcribe the oath above recited, he, the ſaid John Lawſon, did, then and there, accordingly ſwear and ſubſcribe the ſame, although he well knew, that he had no right or title to the foreſaid parts of the lands of Coltfield and others, and that the ſame did not belong to him, nor were his own proper eſtate, and that his pretended right thereto, was nominal and fictitious, created for the purpoſe of enabling him to vote for a member of Parliament; and although he alſo well knew, that the ſaid lands were, neither *de jure*, nor *de facto*, in his poſſeſſion; but, on the contrary, that the ſaid lands and others, or at leaſt parts thereof, did in property belong to Colin Moriſon, now, or lately reſiding at Rome, or had by him been ſold or conveyed to Peter Roſe-Watſon of Coltfield, at or before the time of the election aforeſaid, who, one or other of them, ſtood then infeft in the ſaid lands, or parts thereof, and in the actual poſſeſſion thereof, by drawing the rents, mails, and duties; and that the ſaid lands did belong in ſuperiority to James, Earl Fife, of the kingdom of Ireland, who was infeft, and in the actual poſſeſſion thereof, by uplifting,

lifting the duties and caſualties from the ſaid Colin Moriſon, or Peter Roſe-Watſon, the vaſſal, granting diſpoſitions, charters, or other rights, to the ſaid vaſſals, and acting, in all other reſpects, as ſole ſuperior of the ſaid lands, without regard to the pretended right in the perſon of the ſaid John Lawſon: And the ſaid John Lawſon, having wilfully and falſely ſworn and ſubſcribed the ſaid oath, in manner above-mentioned, in conſequence whereof, his vote was admitted and allowed, and his name was not eraſed out of the ſaid roll, he did give his vote and ſuffrage for the ſaid James, Earl Fife, who was, on that occaſion, elected and returned member of Parliament for the ſaid county, in oppoſition to the ſaid Alexander Penroſe-Cumming; againſt which election and return, the ſaid Alexander Penroſe-Cumming has preſented a petition to the Houſe of Commons: WHEREBY the ſaid John Lawſon has been guilty of wilfully and falſely ſwearing and ſubſcribing the ſaid oath, and has thereby incurred the pains and puniſhment of perjury. And the ſaid John Lawſon is deſired to take notice, that the record or minutes of the ſaid election, containing the ſaid oath emitted by him, or copies or extracts thereof, properly authenticated, as alſo, an extract of the decreet of ſale of the lands of Brodie and others, comprehending the foreſaid parts of the lands of Coltfield and others, in favour of James, Earl Fife, dated the 18th day of November 1774, or certified copies of certain interlocutors therein; charter under the great ſeal following on ſaid decreet of ſale, in favour of the ſaid James, Earl Fife, over the foreſaid parts of Coltfield and others, dated the 11th day of December 1775; inſtrument of ſaſine following on ſaid charter, in favour of the ſaid James, Earl Fife, dated the 5th, and regiſtered in the particular regiſter of ſaſines kept at Elgin, the 7th days of October 1776, or extracts, or authenticated copies of the ſaid charter and ſaſine, or of parts thereof; an extract of a diſpoſition or feu-right, granted by James, Earl Fife, to the ſaid Colin Moriſon, dated the 30th day of April 1776; inſtrument of ſaſine following thereupon, dated the 14th, and regiſtered in the particular regiſter of ſaſines kept at Elgin, the 23d days of Auguſt 1776, or an extract of ſaid ſaſine; diſpoſition in favour of the ſaid Peter Roſe-Watſon, of the foreſaid parts of Coltfield, dated the 11th day of October and 24th day of November, both in the year 1783; and inſtrument of ſaſine in favour of the ſaid Peter Roſe-Watſon, over the ſaid parts of Coltfield

and

and others, following on ſaid diſpoſition, dated the 27th day of November, and regiſtered in the particular regiſter of ſaſines kept at Elgin, the 22d day of December, all in the year 1783; and a miſſive letter, or obligatory letter of ſale from William Roſe, factor to the Earl Fife, to the reverend Mr. Walter Moriſon, miniſter of the Goſpel at Deſkfourd, dated from Duff Houſe, the 5th day of January 1775, will all be uſed in evidence againſt him, at his trial, and, for that purpoſe, will in due time be lodged in the hands of the clerk of the High Court of Juſticiary, before which the ſaid John Lawſon is to be tried, in order that he may have an opportunity of ſeeing the ſame: All, or part whereof, being found proven by the verdict of an aſſize, before the Lord Juſtice General, Lord Juſtice Clerk, and Lords Commiſſioners of Juſticiary, in a Court of Juſticiary, to be holden by them within the Criminal Court-houſe of Edinburgh, upon the 18th day of January in the year 1785, the ſaid John Lawſon ought to be puniſhed with the pains of law, to deter others from committing the like crime in time coming. OUR WILL IS HEREFORE, &c. Dated and ſigneted 17th December, and 25th year of Our reign, 1784.

LIST of WITNESSES to be adduced in the Trial of JOHN LAWSON.

1. James, Earl Fife, of the kingdom of Ireland.
2. The Honourable Arthur Duff of Ortoun.
3. Samuel Mitchelſon, ſenior, writer to the ſignet.
4. John Anderſon, writer to the ſignet.
5. William Reid, town-clerk of Banff.
6. Archibald Duff, ſheriff-clerk of Elgin.
7. Alexander Mitchell, ſheriff-clerk depute of Elgin, and writer there.
8. Charles Anderſon, writer in Edinburgh.
9. William Dunbar, writer to the ſignet.
10. George Duncan, farmer in Alves.
11. Thomas Duncan, farmer in Alves.
12. The reverend Mr. James Innes, miniſter of the Goſpel at Marnoch, Banffſhire.
13. Peter Roſe-Watſon of Weſtertoun, or Coltfield.
14. Mr. Alexander Elphinſton, advocate.
15. David Lothian, writer in Edinburgh.

(Signed) JO. MACLAURIN.

LIST of ASSIZE for the Trial of JOHN LAWSON.

James Gilleſpie of Spylaw.
John Davie of Gavieſide.
The Honourable William Elphingſton of Carberry.
John Trotter, younger, of Mortonhall.
Andrew Wauchope of Caikmuir.
Charles Watſon of Saughton.
Robert Liſton of Damhead.
John Newton, younger, of Curriehill.
William Simpſon of Viewfield.
Mr. David Erſkine, clerk to the ſignet.
Mr. Iſaac Grant, clerk to the ſignet.
Adam Inglis, younger, of Cramond.
Charles Brown of Coalſton.
John Ruſſell, younger, of Roſeburn.
Gilbert Innes of Stow.
Alexander Keith, younger, of Ravelſton.
Thomas Sharp of Houſton.
Robert Colt of Auldhame.
William M'Farlane, portioner of Portſburgh.
Robert Trotter of Buſh.
James Walker, writer to the ſignet.
James Reid of Gorgie.
Walter Scott, writer to the ſignet.
Hugh M'Kay, copperſmith in Edinburgh.
James Craig, architect there.
John Kidd, merchant there.
David Robertſon, ſmith there.
William Niſbet, manufacturer there.
Alexander Niſbet, manufacturer there.
James Cowan, ſtationer there.
Alexander Moubray, merchant there.
Archibald Campbell, brewer there.
Alexander Campbell, brewer there.
James Aird, brewer there.
James Innes, barber there.
George Campbell, merchant there.
Peter Butter, ſhoemaker there.
John Thomſon, carver there.
James Campbell, lint-dreſſer there.
William Hutchiſon, druggiſt there.
David Sommervill, merchant there.
James Gordon, brewer there.
William Gordon, brewer there.
Robert Dugeon, baker there.
James Cowan, candlemaker there.

(Signed) THO. MILLER.
ROBERT BRUCE.
ROBT. M'QUEEN.

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LIST of ASSIZE for the Trial of James Lawson.